

Remarks

This is in response to the final Office Action mailed March 22, 2004. The Office Action maintained the rejection of Claims 1-28 under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 5,920,261 to Hughes et al. in view of U.S. Patent No. 6,568,596 to Shaw.

Applicants again reassert their position that the Office Action fails to adequately establish a prima facie case of obviousness as previously set forth in the previous Response filed on December 22, 2003. In this regard, Applicants contend that the cited art does not teach inclusion of a reorder process into the tracking system as taught by Hughes et al.

Even assuming that it would be obvious to one of ordinary skill in the art at the time the invention was made to include an automatic reordering process into a tracking system as taught by Hughes et al. Applicants contend such combination would not necessarily result in the invention as claimed.

As pointed out by the Office Action, the Hughes et al. reference teaches that removal of a tagged object from a restricted area may be used to generate a security alert. (col. 9, line 65 – col. 10, line 1). However, to the extent that an automatic reorder system were to be implemented in the context of the Hughes et al. tracking system, Applicants submit that such a hypothetical system would have to be implemented with some form of purchase or check out procedure. Otherwise, the system would not know whether the item is permitted to cross the monitored boundary without generating an alert signal. This problem is suggested in the Hughes et al. reference, as it contemplates that the “ID number” of a given item is removed from an “active list” once the tagged item is to be

permanently removed or sold. Further, it is suggested that the transponder may even be removed from the associated item at the time of purchase. (col. 6, lines 49-60) Clearly, if the unique identification of a given item is removed from an "active list" (i.e., the tagged item is no longer tracked) or the transponder is physically removed from the item, then there would be no way for the hypothetical Hughes et al. system to trigger a reorder signal upon the item crossing the monitored boundary.

Thus, the hypothetical Hughes et al. system would only contemplate a change of status of a specific tagged item upon being purchased or otherwise being known that it is permitted to be permanently removed (i.e., at the time of some form of check out procedure). In this hypothetical Hughes et al. context, it is only logical that the event which would trigger any reorder signal is when the item is recognized by the system as having been purchased or checked out – and not any later detected removal of the tagged item across a monitored boundary. In this regard, Applicants submit that the cited Hughes et al. reference, in fact, teaches away from the trigger of a reorder signal upon a detected item having crossed a monitored boundary.

This distinction is significant as Applicants' recited invention requires the triggering of a reorder signal upon detection of the tagged item crossing a monitored boundary. Thus, even if the teachings of the Hughes et al. and the Shaw references are found to suggest that the data is of a nature that may be manipulated to produce an automatic reordering process, this does not mean that the detection of the transponders passing a monitored boundary may be used as a trigger for generation of a reorder signal. The present invention does not require any check out procedure. This is because the generation of an alert signal is based upon the item identification data indicating a

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secured status, while the generation of an item reorder signal is based upon the item identification data indicating a consumable status, when such tagged items are detected crossing the monitored boundary.

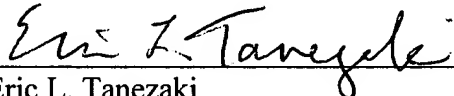
In light of the forgoing, Applicants respectfully submit that Claims 1-28 are in a condition for allowance and action is requested. Should any additional fees be due please charge Deposit Account No. 19-4330.

Respectfully submitted,

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